

REMARKS

Claims 1, 2, and 6-10 were pending in this application prior to entry of the present amendments. Claims 7 and 10 are canceled herein without prejudice or disclaimer of Applicants' right to pursue the canceled subject matter in one or more continuing applications. Claims 6, 8 and 9 are amended herein. No new matter is introduced.

Applicants thank the Examiner for the courtesies extended to Applicants' representatives Dr. Jonathan Ball and Dr. Peg Brivanlou during a telephonic interview held August 7, 2008. During the interview all outstanding rejections were discussed and, in particular, Applicants' position concerning Brocks et al. (1993) *Matrix* 13:381-7 was explained. In particular, it was noted that the epitope scanning data for the polyclonal antibody-containing antiserum against bovine N-terminal propeptide of procollagen type III provided in Table I of Brocks would not have directed one skilled in the art to prepare a monoclonal antibody against an epitope in the range of amino acids 25 to 54 (the 30 most N-terminal amino acids of the Col1 domain) because there was no significant reactivity in the range of amino acids 25 to 54 and therefore nothing to differentiate this region or to recommend forming a monoclonal antibody against it. The Examiner indicated that this argument was persuasive and that the rejection would be withdrawn.

The Examiner has maintained the rejections of claims 6-7 and 9 under §112, pending deposit of the hybridoma cell lines. In response, claims 6 and 9 are amended to include the accession number PTA-9545 under which the cell line mAB 35J22 is deposited at ATCC. With respect to cell line mAb 35J23, this rejection is now moot in light of the cancellation of that subject matter from the claims. A "Statement of Deposit of Biological Materials" satisfying the requirements of 37 CFR § 1.801 et seq. is submitted herewith.

Finally, the withdrawal of claims 8-10, directed to immunoassays, was also discussed during the interview. While Applicants disagree with the Examiner's position that the application does not support product claims directed to immunoassays, the claims are nevertheless amended herein to delete reference to immunoassays in order to expedite allowance of this application. As discussed during the interview, claims 8 and 9 are now directed to the inventive monoclonal antibodies "bound to a support," for which support may be found, for example, on page 11, lines 22-26 which discloses "the antibody bound to the support," and on page 11, lines 10-16 which discloses "a PIINP antibody . . . bound on a capture such as a

microtiter plate.” Accordingly, the inventors were unambiguously in possession of an antibody “bound to a support.”

Accordingly, Applicants submit that this application is in condition for allowance. Entry of the amendments and an action passing this case to issue is therefore respectfully requested. In the event that a telephone conference would facilitate examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 50-3732, Order No. 14173.105005. Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account No. 50-3732 and Order No. 14173.105005.

Respectfully submitted,

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By:


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